

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTOINE JACKSON,

Defendant-Appellant.

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UNPUBLISHED  
February 23, 2006

No. 258405  
Genesee Circuit Court  
LC No. 02-009991-FH

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

MEMORANDUM.

Defendant appeals by leave granted from his conviction of attempted failure to register as a sex offender, MCL 28.729 and MCL 750.92. Defendant was originally sentenced to twenty-four months probation. However, defendant subsequently pleaded violating his probation and was sentenced to fifteen to twenty-four months imprisonment. We dismiss this appeal as moot.

Defendant argues that the trial court erred in sentencing him to a fifteen-month minimum term because the sentencing guidelines called for minimum range of only 0 to 6 months. Because defendant has fully served his minimum sentence, there is no remedy available to him even if we were to agree that the trial court erred in departing from the guidelines recommended minimum range. “Where a subsequent event renders it impossible for this Court to fashion a remedy, an issue becomes moot.” *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). See also *In re Contempt of Dudzinski*, 257 Mich App 96, 112; 667 NW2d 68 (2003); *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995).

Although moot issues may be addressed by this Court if they “involve [questions] of public significance and are likely to recur, yet evade judicial review,” *People v Kaczmarek*, 464 Mich 478, 481; 628 NW2d 484 (2001), we do not believe the question at hand is one of public significance that is likely to recur. In *People v Hendrick*, 472 Mich 555; 697 NW2d 511 (2005), our Supreme Court made it very clear that the legislative sentencing guidelines apply to sentences following probation violations when the underlying offenses were committed on or after January 1, 1999. At the time defendant was sentenced in the instant case, the law on this question was not so clear. Now that the law is settled, it is unlikely that the problem presented in the instant appeal will occur with any frequency.

Dismissed as moot.

/s/ Stephen L. Borrello  
/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald